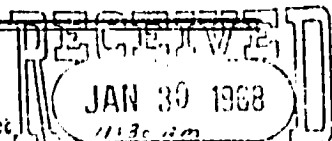


827-1

1. Considered 3. 20, 1968
2. Name of Applicant ORIN W. HOWARD
3. Post Office Address Box ELDER
4. Amount of water claimed .84
5. Source of water supply HERRIN DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 59
7. Water to be diverted and used in MEADE county
about 1 1/2 miles of NEIN UNDERWOOD
8. Proof of Publication Received 1ST
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

LOW FLOWS

No. 827-1Water Division No. 1 ELK CREEK District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant ORIN W. HOWARDPostoffice address FOX ELDER, County MEADE, State S.D.I. If a corporation X X X X(a) Name of same X X X X(b) Date and place of incorporation X X X X(c) Amount of capital stock X X X X(d) Amount paid in X X X X(e) Names and addresses of directors X X X X

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$ X X(c) Treasury stock, \$ X X(d) Bonds to be issued, \$ X X(e) Other resources, \$ X X2. Name of diversion work THE HOWARD SPREADER PROJECT3. Amount of water claimed .84 = 84/100 cubic feet per second4. Source of water supply HENRIY DRAWBetween a point s 69° 15' W. 2410 ft from E-1/4 Cor. Sec 2, T.3 N., R 9 E5. Location of point of diversion and a point N 90° W 1090 ft. from SE Cor Sec 2, T.3 N., R.9 E-BHM
on bank MEADE County.6. Annual period or periods during which water is to be used April 15th to Nov. 15th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Spreader(a) Number of acres to be irrigated 59 acres.
NE-SW-3 ac., NW-SE-30 Ac. NE-SE- 8 ac. SW-SE- 5 ac., SE-SE 13 ac = 59 ac(b) Legal subdivisions to be irrigated Sec. 2, T.3 N., R.9 E-BHM
(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

Stockwater and irrigation

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwater and irrigation
Name any of the above uses claimed(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream X X

MAP No 689-1

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
(c) Fluming, \$----- (d) Canal-earth, \$ 200.00 Rock, \$-----
(e) Other structures spreaders \$ 200.00 Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Small spreader dam or dikes as needed

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
material used in construction-----

(b) Reservoir. Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----years.

11. Time required for complete application of water to the proposed beneficial use-----5-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----
STURGIS TRIBUNE, STURGIS, SO. DAK.

STATE OF SOUTH DAKOTA

County of-----MEADE-----

I, ORIN W. HOWARD, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed-----
ORIN W. HOWARD

Subscribed and sworn to before me this-----17th-----day of-----January-----, 1968-----

CARL M. CORNELL
Notary Public, Meade Co., S.D.
My commission expires April 17, 1971

Notary Public (OK MEADE COUNTY S.D.)

Carl M. Cornell,

*Each diversion must have a headgate or measuring device.

CARL M. CORNELL

PLAT
OF
THE HOWARD SPREADER PROJECT, SEC. 2, T. 3 N., R. 9 E., MEADE COUNTY, SOUTH DAKOTA,
Scale - 1 Inch = 660 Feet.
8 Inches = 1 mile.

SURVEYOR'S CERTIFICATE - - -

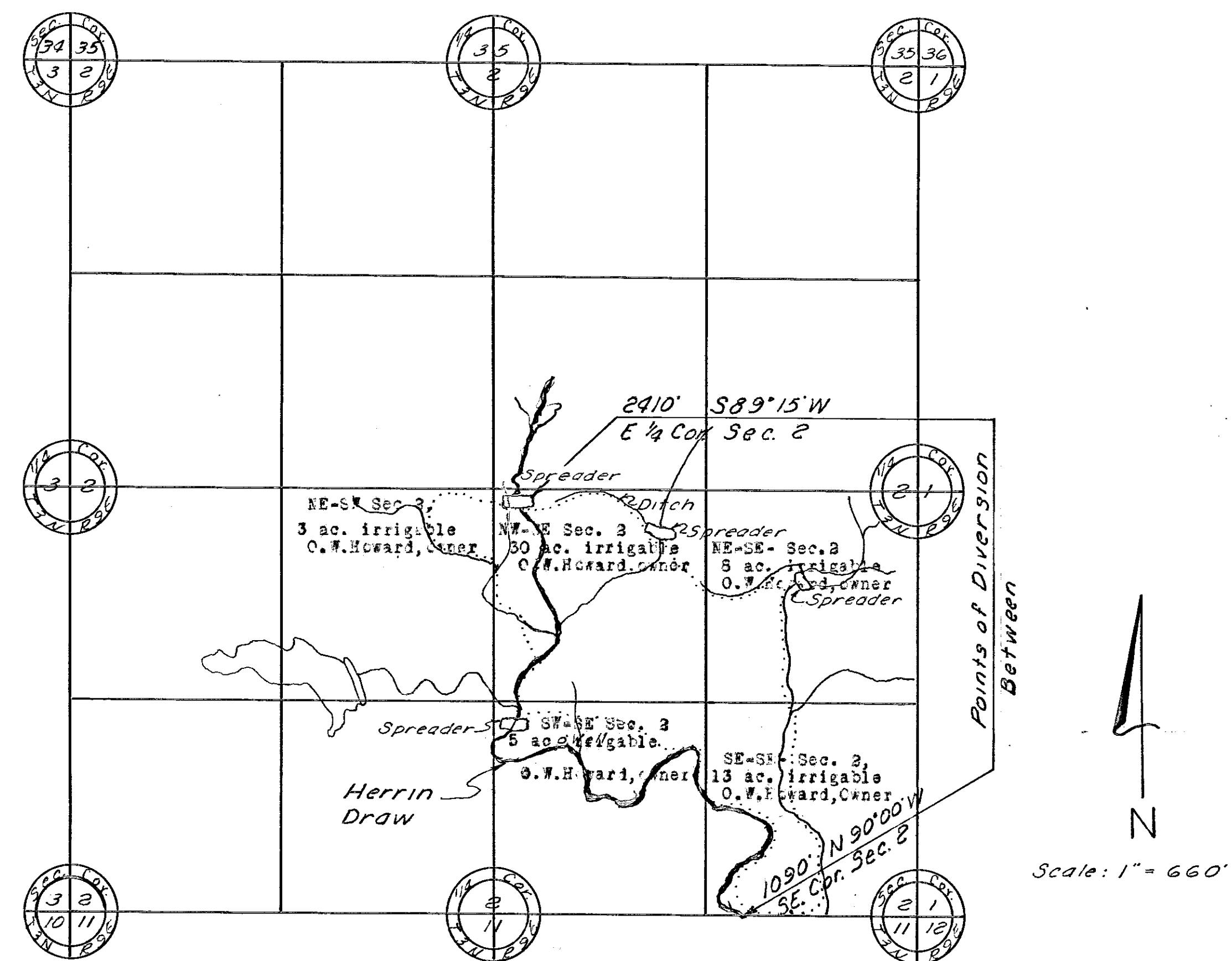
I Carl W. Cornell, Licensed Surveyor in and for the State of South Dakota do hereby certify that at the request of Orin W. Howard, of Box Elder, South Dakota, I have made a survey of the herein described spreader irrigation project for the purpose of furnishing the required plat to accompany his application for Permit to appropriate water for irrigation purposes and to indicate the area of irrigable land embraced in the application. I further certify that the bearings and lengths of all lines shown and their location, with reference to the Government Land Corners shown, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, So. Dak. this 22nd day of January 1962.

Signed Carl W. Cornell (SEAL)
Carl W. Cornell, Licensed Surveyor

Subscribed and sworn to before me at Buffalo, S. D. this 22nd day of January 1962

Edward D. Shultz
Notary Public (SEAL)



Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 22
HUGHES, 1968

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock
9 a.m. upon the 30TH day of JANUARY, 1968

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 827-1

Date of first receipt of application JANUARY 30, 1968

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right JANUARY 30, 1968

Approved MARCH 20, 1968 Recorded in Book 10 Page 95

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

SEPTEMBER 20, 1970

2nd. The whole of said work is to be completed on or before MARCH 20, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MARCH 20, 1973

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed .84 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MARCH 20, 1973; said water to be used during the following described annual period:

APRIL 15 TO NOVEMBER 15

Witness my hand this 22ND day of MARCH, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 827-1

(1) WHEREAS, On the 30th day of January A. D. 19 68

Orin W. Howard

made Water Right Application No. 827-1 for a permit to use .84 cubic feet per second of the waters of Herrin Draw

County of Meade, State of South Dakota, for irrigation

purposes, and

(2) WHEREAS, On the 22nd day of March A. D. 19 68

Permit No. 827-1, with a date of priority of January 30, 1968

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of March A. D. 19 73 and for the application to beneficial use of said water on or before the 20th day of march A. D. 19 73

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .84 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 2, T3N, R9E

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 13 acres

Total 59 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Orin W. Howard

_____ of Box Elder, South Dakota

the holder _____ and owner _____ of said permit No. 827-1 a water right, dating from January 30, 1968

_____ to use of .84 cubic feet per second of the waters

of Herrin Draw

in the County of Mende and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at _____

between points South 89° 15' West, 2410 feet from the E½

Corner, and a point North 90° West, 1090 feet from the SE

Corner, Section 2, T3N, R9E

and conduct to and upon portions of Section 2, T3N, R9E, described on the face

of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 827-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 7th day of June A. D.

Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer JOHN HATCH

Permit No. 827-1

Water Diversion No. 1 ELK CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Orin W. Howard

_____ the holder _____ of
Permit No. 827-1, issued upon Application No. 827-1, bearing date of priority of March 20,
1968 authorizing the diversion of .84 cu. ft. per second of the waters of _____
Herrin Draw County of Meade, State of South Dakota at _____
between points South 39° 16' West, 2410 feet from the E1
Corner, and a point North 90° West, 1090 feet from the SE
Corner, Section 2, T3N, R9E for irrigation

purposes, has he complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 10.0 cu. ft. per second of water.

Date June 7, 1977

WATER RESOURCES COMMISSION

By:

JOHN HATCH, Chief Engineer
Water Rights Commission

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Meade

ss.

Morris G. Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Sturgis Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Sturgis County of

Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb. 7, 1968

Feb. 14, 1968

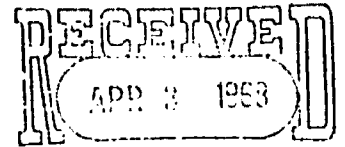
Feb. 21, 1968

Feb. 28, 1968

in each and every issue of the full number thereof, the first publication being made on the 7 day of Feb. 1968 and the last publication on the 28 day of

Feb. 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher X of the said newspaper.

Morris G. Hallock



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 827-1
APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, S. Dak.
February 1, 1968
Notice is hereby given that Orin W. Howard whose post-office address is Box Elder, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .81 cubic feet of water per second of time from Herrin Draw through the Howard Spreader Project, the point of diversion of which is located on either bank of said stream between points in the NW 1/4 and in the SE 1/4 of the SE 1/4 of Section 2, Twp. 3N Range 9E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
NE 1/4 and SE 1/4, Section 2, T3N, R9E
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 P.M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
Burton F. Jones
BURTON F. JONES
Water Rights Specialist
Trib Feb 7-14-21-28

Subscribed and sworn to before me this 29 day of Feb. A. D. 1968

Notary Public Meade County, S. D.

on or before
(First Publication February 15, 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., February 1, 1968

Notice is hereby given that Orin W. Howard whose postoffice address is Box Elder S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 84 cubic feet of water per second of time from the Herrin Draw through the Howard Spreader Project, the point of diversion of which is to be located on the either between points in the NW 1/4 SE 1/4 and bank of said stream/in the SE 1/4 of the SE 1/4 of Section 2 portions of Twp. 3N Range 2E. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 SW 1/4 and SE 1/4, Section 2, T3N, R9E

~~XXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968 at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

cc: Orin W. Howard, Box Elder, S.D.

State Water Resources Commission

By:

~~State Engineer Examination Box~~

BURTON F. JONES
Water Rights Specialist

Permit No. 827-1Water Division 1 Elk Creek Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Orin W. Howard of Box Elder, S. Dak. holder of Permit No. 827-1, bearing date of priority of January 30, 1968 authorizing the diversion of 1.84 cu. ft. per second of the waters of Herrin Draw for Irrigation purposes, in Meade County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Three diversion dams and a diversion to divert water out of draw.

B. Works used to transport water to place of use,

Diversion ditches.

C. Works used to apply water to beneficial use.

spreader dikes and ditches are used to apply water to grassland areas.The system is in the following condition: Good

The point of diversion is located between a point S 89°15' W. 2410 ft from E 1/4 corner, Section 2, T3N, R9E. and a point N 70° W. 1090 ft from SE corner Section 2, T3N, R9E

The works are capable of diverting and conveying to the place of use 10.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Section 2, T3N, R9E

<u>NE 1/4 SW 1/4</u>	<u>3</u>	<u>Ac</u>	<u>SE 1/4 SE 1/4</u>	<u>13</u>	<u>Ac</u>
<u>NW 1/4 SE 1/4</u>	<u>30</u>	<u>Ac</u>			
<u>NE 1/4 SE 1/4</u>	<u>8</u>	<u>Ac</u>			
<u>SW 1/4 SE 1/4</u>	<u>5</u>	<u>Ac</u>			

comprising a total of 59 acres of land.Date May 3 1976

Leroy J. Mernaugh
(Signature)